

Gary L. Cooper (ISB No. 1814)  
Ron Kerl (ISB No. 1768)  
COOPER & LARSEN, CHTD.  
151 North 3<sup>rd</sup> Avenue, Suite 210  
P.O. Box 4229  
Pocatello, Idaho 83205-4229  
Telephone (208) 235-1145  
Facsimile (208) 235-1182

U.S. DISTRICT COURT  
DISTRICT OF IDAHO  
Pocatello, Idaho  
JAN 10 2004  
CLERK'S OFFICE

*Counsel for Pocatello Dental Group, P.C.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

POCATELLO DENTAL GROUP, P.C., )  
an Idaho professional corporation, )  
 )  
Plaintiff, )

vs. )

INTERDENT SERVICE CORPORATION, )  
a Washington corporation, )  
 )  
Defendant. )

Case No. CV 03-450-E-LMB

INTERDENT SERVICE CORPORATION, )  
a Washington corporation, )  
 )  
Counterclaimant, )

vs. )

POCATELLO DENTAL GROUP, P.C., an )  
Idaho professional corporation; DWIGHT G. )  
ROMRIELL, individually; LARRY R. )  
MISNER, JR., individually; PORTER )  
SUTTON, individually; ERNEST SUTTON, )  
individually; GREGORY ROMRIELL, )  
individually; ERROL ORMOND, individually; )  
and ARNOLD GOODLIFFE, individually; )

Counterdefendants. )

**POCATELLO DENTAL  
GROUP'S RESPONSE TO  
INTERDENT SERVICE  
CORPORATIONS' MOTION  
TO AMEND FEBRUARY 9,  
2004 ORDER REGARDING  
THE MAIL**

COMES NOW the Plaintiff ("Group") and makes this Response to the Motion of Defendant InterDent Service Corporation ("ISC") to Amend the February 9, 2004 Order entered by Judge Lodge.

Attached hereto is a letter faxed to counsel for ISC by counsel for Group on October 27, 2004. It sets out Group's willingness to amend the February 9, 2004 Order upon ISC's agreement with Group's requested changes to the Proposed Order and ISC's commitment to honor the obligations imposed upon it in the original February 9, 2004 Order.

Dated this 29 day of October, 2004.

**COOPER & LARSEN, CHTD**

Attorneys for Plaintiff

By: 

Ron Kerl

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 2 day of October, 2004, I served a true and correct

copy of the foregoing document as follows:

G. Rey Reinhardt  
STOEL RIVES LLP  
101 S. Capitol Blvd., Ste. 1900  
Boise, ID 83702-5958

☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Overnight Mail  
☐ Facsimile

Scott J. Kaplan  
STOEL RIVES LLP  
900 SW Fifth Ave. Ste. 2600  
Portland, OR 97204-1268

☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Overnight Mail  
☒ Facsimile

Lowell N. Hawkes  
1322 East Center  
Pocatello, ID 83201

☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Overnight Mail  
☒ Facsimile

Richard A. Hearn  
RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHTD.  
P.O. Box 1391  
Pocatello, ID 83204

☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Overnight Mail  
☒ Facsimile

By: 

Ron Kerl

# COOPER & LARSEN

GARY L. COOPER  
REED W. LARSEN  
RON KERL  
M. ANTHONY SASSER  
E. W. "SKIP" CARTER  
JAMES D. RUCHTI  
MARVIN S. SMITH

151 NORTH 3<sup>rd</sup> AVE. - 2<sup>nd</sup> FLOOR  
P.O. BOX 4229  
POCATELLO, ID 83205-4229

TELEPHONE (208) 235-1145  
FAX (208) 235-1182

---

Attorneys at Law

---

October 27, 2004

**VIA FACSIMILE TO (503) 939-3034**

Scott J. Kaplan, Esq.  
Steel Rives, LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204-1268

*Re: PDG v ISC; Amendment to February 9, 2004 Order re: Mail*

Dear Scott:

I am in receipt of ISC's Motion to amend the February 9, 2004 Order concerning the mail sent to the Group and ISC. I have conferred with my client regarding your request to amend the February 9<sup>th</sup> Order. Accompanying this letter is a "marked up" copy of your proposed amended order. I have noted Group's required changes to any amended order.

Also, pursuant to the last sentence in Paragraph 2. of the original Order, written request is hereby made for ISC to provide PDG with a copy of any item of mail addressed to ISC at its Central Business Office, P.O. Box 872710, Vancouver, WA 98687-2710 since the effective date of the Order, February 9, 2004.

Upon being notified that ISC accepts these changes to the proposed amended Order, and is willing to provide copies of any item of mail addressed to ISC at its Central Business Office, P.O. Box 872710, Vancouver, WA 98687-2710 since the effective date of the Order, February 9, 2004, I will execute a stipulated amended Order incorporating Group's changes.

Sincerely,  
COOPER & LARSEN, CHTD.



Ron Kerl

pc: Pocatello Dental Group

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

POCATELLO DENTAL GROUP, P.C.,  
an Idaho professional corporation,

Plaintiff,

vs.

INTERDENT SERVICE CORPORATION,  
a Washington corporation,

Defendant.

Case No. CV 03-450-E-LMB

INTERDENT SERVICE CORPORATION,  
a Washington corporation,

Counterclaimant,

vs.

POCATELLO DENTAL GROUP, P.C., an  
Idaho professional corporation; DWIGHT G.  
ROMRIELL, individually; LARRY R.  
MISNER, JR., individually; PORTER  
SUTTON, individually; ERNEST SUTTON,  
individually; GREGORY ROMRIELL,  
individually; ERROL ORMOND, individually;  
and ARNOLD GOODLIFFE, individually;

Counterdefendants.

**AMENDED ORDER  
REGARDING MAIL  
SERVICE [PROPOSED]**

Based upon InterDent Service Corporation's ("ISC") Motion to Amend February 9, 2004 Order Regarding the Mail, the pleadings and papers on file herein and the matters stated on the record on October 21, 2004, and the Court finding good cause therefore, the Court amends its Order of February 9, 2004 as follows:

**IT IS HEREBY ORDERED:**

1. Pocatello Dental Group, P.C. ("PDG") and its officers, shareholders, agents, servants and employees, are ordered, pending the trial of this matter, to not divert mail addressed to PDG or InterDent Service Corporation ("ISC") at their address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202. ISC and its officers, shareholders, agents, servants and employees are ordered, pending the trial of this matter, to not divert mail addressed to any individual dentist or marked "personal," and they may not open the same but must promptly deliver it to the dentist to whom it was addressed, or their designee, to be opened in the presence of an ISC employee. If such personal mail contains any revenue, as that term is described in paragraph 2.5 of the Dental Group Management Agreement dated October 11, 1996, the dentist shall promptly deliver the revenue to ISC for deposit pursuant to paragraph 3, below.

2. The mailing address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202, shall be the mail address of record for PDG and ISC with respect to its Pocatello business affairs. ISC shall immediately commence to direct Pocatello Dental Group's patients and their insurers to remit payment of any dental charges to PDG and ISC's address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202. Mail sent to such address shall be held at the Pocatello Main Post Office located at 730 East Clark Street, Pocatello, Idaho 83201, and picked up daily by an ISC employee. ISC will then distribute the mail pursuant to the terms of this Amended Order. ISC is ordered to maintain a mail log identifying the receipt of each piece of mail addressed to PDG or ISC at their address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202. The mail log shall contain the following information: (a) date received, (b) name and address of the sender, (c) name of addressee, (d) summary description of the contents of the mail, (e) if any revenue is contained in the mail, the log shall include a copy of the payment and supporting documentation of the explanation of benefits.

A copy of the mail log shall be maintained at the Pocatello office of PDG and ISC and be available to PDG. Upon written request, ISC shall provide PDG with a copy of any item of mail addressed to PDG or ISC.

3. ISC shall provide counsel for PDG with a monthly bank statement for the account in which funds payable to PDG are deposited. Within 30 days such account shall have electronic inquiry access. ISC shall provide counsel for PDG with a monthly profit-and-loss statement within 72 hours of its generation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

---

UNITED STATES MAGISTRATE JUDGE